
Introduced by Senator George Runner

January 31, 2005

An act to amend Section 53158 of, and to add Section 53152.3 to, the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

SB 126, as introduced, George Runner. Emergency services: liability.

Under existing law, it is a crime for any person who, while operating a motor vehicle and with the intent to evade, willfully flees or otherwise attempts to elude a pursuing peace officer's motor vehicle, if certain conditions exist. Additionally, it is a crime if a person flees or attempts to elude a pursuing peace officer and the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property. It is also a crime whenever willful flight or attempt to elude a pursuing peace officer causes death or serious bodily injury to any person.

This bill would impose liability, not to exceed \$2,000 per incident, upon any person who is convicted of violating any of the above described provisions and whose actions proximately cause any incident that results in an emergency response, for the expense of the emergency response by a public agency.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 53152.3 is added to the Government
- 2 Code, to read:

1 53152.3. Any person who is convicted of violating
2 subdivision (a) of Section 2800.1 of, or Section 2800.2 or 2800.3
3 of, the Vehicle Code and whose actions proximately cause any
4 incident that results in an emergency response shall be liable for
5 the expense of the emergency response by a public agency.
6 Notwithstanding Section 53155, in no event shall a person's
7 liability under this section for the expense of an emergency
8 response exceed two thousand dollars (\$2,000) for a particular
9 incident.

10 SEC. 2. Section 53158 of the Government Code is amended
11 to read:

12 53158. It is not the intent of the Legislature, in enacting this
13 article, to occupy the field of recovery of the expense of an
14 emergency response by a public agency, nor is it the intent of the
15 Legislature to preempt local regulations or to otherwise limit the
16 remedies available to any public agency to recover the expenses
17 of an emergency response to any incident not involving persons
18 who operate a motor vehicle, a boat or vessel, or a civil aircraft
19 while under the influence of an alcoholic beverage or any drug,
20 or the combined influence of an alcoholic beverage and any drug,
21 *or to any incident not involving a person convicted of violating*
22 *subdivision (a) of Section 2800.1 of, or Section 2800.2 or 2800.3*
23 *of, the Vehicle Code.* It is the intent of the Legislature that the
24 recovery of the expenses of an emergency response under this
25 chapter shall supplement and shall not supplant any other
26 provisions of law relating to the recovery of those expenses.